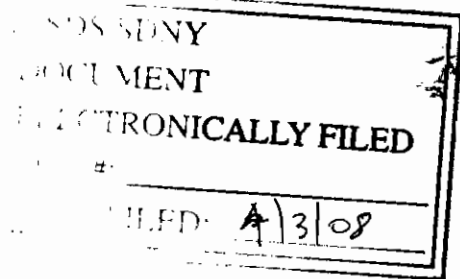


Sullivan, J

~~EXHIBIT~~

Gerard F. Dunne, Esquire
Law Office of Gerard F. Dunne, P.C.
156 Fifth Avenue
Suite 1223
New York, NY 10010-2007
(212) 645-2410



Attorney for the Plaintiff

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

ECF CASE

-----X
UNIQUE INDUSTRIES, INC.,

Plaintiff,

Civil Action No.:
05 CV 2744 (RJS)

-against-

SIU & SONS INT'L TRADING CORP.,

Defendant.
-----X

**FINAL JUDGMENT ON CONSENT AS TO DEFENDANT
SIU & SONS INT'L TRADING CORP.**

Plaintiff, Unique Industries, Inc., having filed an Complaint against Defendant, Siu & Sons Int'l Trading Corp., charging it with copyright and patent infringement, among other things, and the parties desiring to settle the controversy between them without any admission

of liability and having entered into a Settlement Agreement for that purpose; and for good cause shown; it is hereby

ORDERED, ADJUDGED AND DECREED as between the parties hereto that:

1. This Court has jurisdiction over the parties and over the subject matter hereof pursuant to 28 U.S.C. §§ 1331 and 1338.

2. The "Unique Copyrights" shall mean:

The copyrights represented by the Certificate of Registration VA 939-402 for the *Stegosaurus Piñata* item no. 6753, the Certificate of Registration VA 944-310 for the *Butterfly Piñata* item no. 6718, the Certificate of Registration VA 944-309 for the *Inchworm Piñata* item no. 6717, the Certificate of Registration VA 939-380 for the *Sun Piñata* item no. 6723, the Certificate of Registration VA 939-381 for the *Celestial Star Piñata* item no. 6722, the Certificate of Registration VA 1-156-760 for the *Tiki Piñata* item no. 66107, the Certificate of Registration VA 941-351 for the *Treasure Chest Piñata* item no. 6763, the Certificate of Registration VA 1-156-745 for the *Birthday Tissue Sheets* item no. 61002, the Certificate of Registration VA 772-740 for the two-dimensional artwork entitled # 5308 *Baby Shower*, the Certificate of Registration VA 781-677 for the two-dimensional artwork entitled # 5405 *Over The Hill*, the Certificate of Registration VA 772-735 for the two-dimensional artwork entitled # 5360 *Surprise!*, the Certificate of Registration VA 766-265 for the two-dimensional artwork entitled # 5420 *Wedding Bells*, the application filed on behalf of Unique

to obtain a Certificate of Registration for the two-dimensional artwork entitled *Get Well Soon Growing Flowers* # 53596, the application filed on behalf of Studio 2 of Wyckoff, New Jersey to obtain a Certificate of Registration for the two-dimensional artwork entitled *Wedding Bells Pattern* created by Studio 2 and licensed exclusively to Unique, the application filed by Unique to obtain a Certificate of Registration for its derivative of the *Wedding Bells Pattern* entitled *Wedding Bells Gift Wrap* # 4307.

3. Plaintiff Unique Industries, Inc. is the owner or exclusive licensee of the Unique Copyrights, and the Unique Copyrights are valid and subsisting, are in full force and effect.

4. The Defendant Siu & Sons Int'l Trading Corp. is permanently enjoined and restrained, directly or indirectly:

A. From using in any manner any of the Unique Copyrights in connection with the sale, offer for sale, advertisement or distribution of products throughout the world, and specifically from marketing, selling or distributing the products identified in the Complaint in this Action as (1) the blue dinosaur piñata item no. 31010 illustrated in Exhibit B of the Complaint; (2) the butterfly piñata item no. 31012 illustrated in Exhibit B of the Complaint; (3) the inchworm piñata item no. 31012 illustrated in Exhibit B of the Complaint; (4) the sun piñata item no. 31013 illustrated in Exhibit F of the Complaint; (5) the star piñata item no. 31013 illustrated in Exhibit F of the Complaint; (6) the Totem piñata item no. 31014 illustrated in Exhibit F of the Complaint; (7) the treasure chest piñata item no. 31014 illustrated in Exhibit F of the Complaint; (8) the Happy Birthday with Star-printed tissue gift

wraps item no. 57105 illustrated in Exhibit K of the Complaint, (9) the Baby Shower pink/baby blue party balloons item no. 41027 illustrated in Exhibit M of the Complaint, (10) the Over The Hill party balloons item no. 41022 illustrated in Exhibit M of the Complaint, (11) the Surprise party balloons item no. 41026 illustrated in Exhibit M of the Complaint (12) the Wedding Bell party balloons item no. 41023 illustrated in Exhibit M of the Complaint, (13) the Get Well Soon party balloons item no. 41025 illustrated in Exhibit M of the Complaint and (14) the Wedding Bells tissue gift wraps item no. 56031 offered illustrated in Exhibit K of the Complaint.

B. From selling or offering for sale within the United States balloon weights that fall within the claims of U.S. Pat. Nos. 6,523,798 and 6,688,939. This injunction in no way impedes Siu & Sons' ability to sell any balloon weight outside the United States.

C. And to destroy all items identified above in paragraph 4.A. within its possession or control.

5. The exclusive jurisdiction of this Court is retained for the purpose of making any further orders necessary or proper for the construction or modification of this Final Judgment on Consent, the enforcement thereof and the punishment of any violations thereof, and the enforcement of any provisions of the Settlement Agreement entered into between the parties.


6. Any motion or proceedings under judgment shall be venued in the United States District Court for the Southern District of New York, and the parties consent to this Court's venue and personal jurisdiction for any such motion or proceeding under this Judgment.

7. The rights contained in this Final Judgment, including the right to enforce it, shall be freely assignable to the fullest extent permitted by law. This Final Judgment shall bind the Parties hereto and their successors and assigns.

8. This Final Judgment may not be cited as an adjudication of contested issues.

9. This Judgment shall be deemed to have been served upon Defendant Siu & Sons Int'l Trading Corp. at the time of its execution by the Court.

Dated: April 2, 2008


Hon. Richard J. Sullivan,
United States District Judge

CONSENT AND STIPULATION

The undersigned hereby consent and stipulate to the entry of a Final Judgment on Consent as to Defendant Siu & Sons Int'l Trading Corp. in the form annexed hereto or in such other form as the Court may approve.

April 1, 2008
Dated: February 29, 2008

By: 

Gerard F. Dunne (GD 3323)
Attorney for Plaintiff, Unique Industries, Inc.
Law Office of Gerard F. Dunne, P.C.
156 Fifth Avenue
Suite 1223
New York, NY 10010-2007
(212) 645-2410

Date: February 29, 2008

By: 

Siu & Sons Int'l Trading Corp.

Title: VICE PRESIDENT, ACCOUNTING

March 24, 2008
Date: February 29, 2008

By: 

Gerard A. Haddad (GH-2801)
Morgan & Finnegan
Attorney for Defendant, Siu & Sons Int'l
Trading Corp
3 World Financial Center
New York, New York 10281-2101
(212) 415-8547

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

Date:

In Re:

-v-

Case #:

()

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

J. Michael McMahon, Clerk of Court

by: _____

, Deputy Clerk

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

-----X
-V-
-----X

NOTICE OF APPEAL

civ. ()

Notice is hereby given that _____
(party)
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the _____ day of _____, _____
(day) (month) (year)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 1

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**MOTION FOR EXTENSION OF TIME
TO FILE A NOTICE OF APPEAL**

civ.

()

Pursuant to Fed. R. App. P. 4(a)(5), _____ respectfully
(party)
requests leave to file the within notice of appeal out of time. _____
(party)
desires to appeal the judgment in this action entered on _____ but failed to file a
(day)
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 2

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**NOTICE OF APPEAL
AND
MOTION FOR EXTENSION OF TIME**

civ. ()

1. Notice is hereby given that _____ hereby appeals to
(party)
the United States Court of Appeals for the Second Circuit from the judgment entered on _____.
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time
_____ respectfully requests the court to grant an extension of time in
(party)
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, _____ states that
(party)
this Court's judgment was received on _____ and that this form was mailed to the
(date)
court on _____
(date)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 3

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-----X
-V-
-----X

AFFIRMATION OF SERVICE

civ. ()

I, _____, declare under penalty of perjury that I have
served a copy of the attached _____

upon _____

whose address is: _____

Date: _____
New York, New York

(Signature)

(Address)

(City, State and Zip Code)

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006